

Independent Democrat.

TERMS, \$3,

"FREE TRADE; LOW DUTIES; NO DEBT; SEPARATION FROM BANKS; ECONOMY; RETRENCHMENT; AND STRICT ADHERENCE TO THE CONSTITUTION."

In Advance.

Volume 1.

CANTON, MISSISSIPPI, SATURDAY EVENING, JANUARY 21, 1843.

Number 19.

The Independent Democrat, IS EDITED AND PUBLISHED EVERY SATURDAY, BY JOHN HANDY.

TERMS.—Three Dollars, invariably in advance. Persons wishing to discontinue will please give notice thereof in writing. No subscription received for a less time than six months.

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REMARKS OF MR. CALHOUN, OF SOUTH CAROLINA,

In Senate, August, 1812.—On the treaty of Washington.

Mr. CALHOUN said that his object in rising was not to advocate or oppose the treaty, but simply to state the reasons that would govern him in voting for its ratification. The question, according to his conception, was not whether it was all we could desire, or whether it was liable to this or that objection; but whether it was such a one that, under all the circumstances of the case, it would be most advisable to adopt or reject. Thus regarded, it was his intention to state fairly the reasons in favor of and against its ratification; and to assign to each its proper weight, beginning with the portion relating to the Northeast boundary, the settlement of which was the immediate and prominent object of the negotiation.

He was one of those who had not the slightest doubt that the boundary for which the state of Maine contended was the true one, as established by the treaty of peace in 1783; and had accordingly so recorded his vote, after a deliberate investigation of the subject. But although such was his opinion, he did not doubt at the time that the boundary could only be settled by a compromise line. We had admitted it to be doubtful at an early period during the administration of Washington; and more recently and explicitly, by stipulating to submit it to the arbitration of a friendly power, by the treaty of Ghent. The doubt thus admitted on our part to exist, had been greatly strengthened by the award of the King of Holland, who had been mutually selected as the arbitrator under the treaty. So strong, indeed, was his (Mr. C.'s) impression that the dispute could only be settled by a compromise or conventional line, that he said to a friend in the then Cabinet, (when an appropriation was made a few years since for a special mission to be sent to England on the subject of the boundary, and his name, among others was mentioned for the place,) that the question could only be settled by compromise; and for that purpose, some distinguished citizen of that section ought to be selected; and neither he nor any southern man, ought to be thought of. With these previous impressions, he was prepared, when it succeeded in adjusting the difficulty, it would be, as it has been, on a compromise line. Notwithstanding, when it was first announced that the line agreed on included a considerable portion of the territory lying to the west of the line awarded by the King of Holland, he was incredulous, and expressed himself strongly against it. His first impression was, perhaps, more strongly against it, from the fact that he had fixed the river St. John, from the mouth of Eel river, taking the St. Francis branch, the one selected by the King of Holland, as the natural and proper compromise boundary, including in our limits all the portion of the disputed territory lying north of Eel river, and west and south of the St. John, above its junction; and all the other within that of Great Britain. On a little reflection, however, he resolved not to form his opinion of the merits or demerits of the treaty on rumor or imperfect information; but to wait until the whole subject was brought before the Senate, and then to make it up on full knowledge of all the facts and circumstances, after deliberate and mature reflection; and that he had done with the utmost care and impartiality. What he now proposed was, to give the result, with the reasons on which it rests, and which would govern his vote on the ratification.

He still believed that the boundary which he had fixed in his own mind, was the natural one and proper one; but, as that could not be obtained, the question for them to decide was, Are the objections to the boundary as actually agreed on, and the stipulations connected with it, such as ought to cause its rejection? In deciding it must be borne in mind that, as far as the portion of the boundary is concerned, the question belonging much more to the State of Maine than to the Union. It

is, in truth, but the boundary of that State; and it makes a part of the boundary of the United States, only being the exterior boundary of one of the States of our Federal Union. It is her sovereignty and soil that are in dispute, except the portion of the latter that still remains in Massachusetts; and it belongs in the first place to her, and to Massachusetts, as far as her right of soil is involved, to say what their rights and interests are, and what is required to be done. The rest of the Union is bound to defend them in their just claim; and assent to what they may be willing to in settling the claim in contest, if there should be nothing in it inconsistent with the interest, honor and safety of the rest of the Union. It is so that the controversy has ever been regarded. It is well known that President Jackson would readily have agreed to the award of the King of Holland, had not Maine objected; and that to overcome her objection, he was prepared to recommend to Congress to give her, in order to get her consent, one million of acres of the public domain, worth, at the minimum price, a million and a quarter of dollars. The case is now reversed. Maine and Massachusetts have both assented to the stipulations of the treaty, as far as the question of the boundary affects their peculiar interest, through commissioners vested with full powers to represent them; and the question for us to decide is, Shall we reject that to which they have assented? Shall the Government, after refusing to agree to the award of the King of Holland, because Maine objected, now reverse its course, and refuse to agree to that to which she and Massachusetts have both assented? There may indeed be reasons strong enough to authorize such a course; but they must be such as will go to prove that we cannot give our assent consistently with the interests, the honor, or the safety of the Union. That has not been done; and he would, if there be any such, he has not been able to detect them.

It has, indeed, been said that the assent of Maine was coerced. She certainly desired to obtain a more favorable boundary; but when the alternative was presented of another reference to arbitration, she waived her objection, as far as she was individually concerned, rather than incur the risk, delay, uncertainty and vexation of another submission of her claims to arbitration; and left it to the Senate, the constituted authority appointed for the purpose, to decide on the general merits of the treaty, as relates to whole Union. In so doing, she has, in his opinion, acted wisely and patriotically—wisely for herself and patriotically in reference to the rest of the Union. She has not got, indeed, all she desired; and has even lost territory, if the treaty be compared to the award of the King of Holland; but, as an offset, that which she has lost is of little value, while that which she retains has been greatly increased in value by the stipulations contained in the treaty. The whole amount lost, is about a half a million of acres. It lies along the eastern slope of the highlands, skirting the St. Lawrence to the east, and is acknowledged to be of little value for soil, timber or any thing else—a sterile region, in a severe inhospitable climate. Against that loss, she acquired the right to navigate the river St. John; and that not only to float down the timber on its banks, but all the productions of the extensive, well timbered, and, taken as a whole, not a sterile portion of the State that lies on her side of the bosom of that river and its tributaries. But that is not all. She also gains what is vastly more valuable—the right to ship them on the same terms as colonial productions to G. Britain and her colonial possessions. These great and important advantages will probably double the value of that extensive region, and make it one of the most populous and flourishing portions of the State. Estimated by a mere moneyed standard, these advantages are worth, he would suppose, all the rest of the territory claimed by Maine without them. If to this be added the sum of about \$200,000 to be paid her for the expense of defending the territory, and \$300,000 to her and Massachusetts in equal moieties, in consequence of their assent to the boundary, and the equivalent received, it must be apparent that Maine has not made a bad exchange in accepting the treaty, as compared with the award, as far as her separate interest is concerned. But that is not all, she is the rightful judge of her own interests; and her assent is sufficient ground for our assent, provided that to which she has assented does not involve too great a sacrifice on the part of the rest of the Union, nor their honor or safety. So far from that, as far as the rest of the Union is concerned, the sacrifice is small and the gain great. They are under solemn constitutional obligations to defend Maine, as one of the members of the Union, against invasion; and to protect her territory, cost what it may, and at every hazard. The power, claiming what she contended to be hers, is one of the greatest, if not the greatest, on earth. The dispute is of long standing; and of a character difficult to be adjusted; and, however, clear the right of Maine may be regarded in the abstract, it has been made doubtful, in consequence of admissions, for which the Government of the Union is responsible. To terminate such

a controversy, with the assent of the party immediately interested, by paying the small sum of half a million—of which a large part (say \$200,000) is unquestionably due to Maine, and would have to be paid to her without the treaty—is, indeed, a small sacrifice; a fortunate deliverance. President Jackson was willing to allow her, as has been stated, more than twice as much for assent to the award; and, in doing so, he showed his wisdom, whatever might have been thought of it at the time. Those, at least, who opposed the treaty, will not charge him with being willing to sacrifice the interest and honor of the Union, in making the offer; and yet the charge which they make against this portion of the treaty, does by implication, subject what he was ready to do to a similar one.

But it is said that the territory which England would acquire beyond the boundary of the awarded line would greatly strengthen her frontier and weaken ours; and would thereby endanger the safety of the country in that quarter. He did not profess to be deeply versed in military science; but, according to his conception, there was no foundation for the objection. It was, if he did not mistake, the very last point on our whole frontier, from the mouth of the St. Croix to the outlet of Lake Superior, on which an expedition would be organized on either side to attack the possessions of the other. In a military point of view, our loss is nothing in that quarter; while in another, and a much more important quarter, our gain by the treaty is great, in the same point of view. He referred to that provision by which we acquire Rouse's Point, at the northern extremity of Lake Champlain. It is among the most important military positions on the whole line of our eastern and northern frontier, whether it be regarded in reference to offensive or defensive operations. He well remembered the deep sensation caused among military men in consequence of its loss; and he would leave the question of loss or gain, in a military point of view, taking the two together, to their decision, without the least doubt what it would be.

But if it should be thought by any one that these considerations, as conclusive as they seemed to be, were not sufficient to justify the ratification of this portion of the treaty, there were others, which appeared to him to be perfectly conclusive. He referred to the condition in which we would be placed, if the treaty should be rejected. He would ask—after having agreed at Ghent to refer the subject to arbitration, and after having refused to agree to the award made under that reference, by an arbitrator of our own selection, we should now reject this treaty, negotiated by our own Secretary of State, under our own eyes, and which had previously received the assent of the States immediately interested—whether there would be the slightest prospect that another equally favorable would ever be obtained? On the contrary, would we not stand in a far worse condition than ever, in reference to our claim? Would it not, indeed, be almost certain that we should lose the whole of the basin of the St. John, and Great Britain gain all for which she ever contended, strengthened as she would be by the disclosures made during this discussion? He was far from asserting that the facts disclosed established the claim of Great Britain, or the map exhibited is the one to which Franklin referred, in his note to the Count de Vergennes, the French Minister; but it cannot be doubted that the conformity of the line delineated on the map, with the one described in his note, would have the effect of strengthening not a little the claims of Great Britain, in her own estimation and that of the world. But the facts stated, and the map exhibited, by the committee on Foreign Relations. (Mr. Rives,) are not the only or the strongest disclosures made during the discussion. The French map introduced by the Senator from Missouri, (Mr. Benton,) from Mr. Jefferson's collection in the Congress library, in order to rebut the inference from the former, turned out to be still more so. That was made in the village of Passy, in the year after the treaty of peace was negotiated, where Dr. Franklin (who was one of the negotiators) resided, and was dedicated to him; and that has the boundary line drawn in exact conformity to the note of Dr. Franklin—a line somewhat more adverse to us than that claimed by Great Britain. But, as striking as this coincidence, he was far from regarding it as sufficient to establish the claim of G. Britain. It would however, be in vain to deny that it was a corroborating circumstance, calculated to add no small weight to her claim.

It would be still further increased by the fact that France was our ally at the time, and, as such, must have been consulted and kept constantly advised of all that occurred during the progress of the negotiation, including its final result. It would be idle to suppose that these disclosures would not weigh heavily against us in any future negotiation. They would, so much so—taken in connexion with the adverse award of the King of Holland, and this treaty; should it be rejected—as to render hopeless any future attempt to settle the question by negotiation or arbitration. No alternative would be left us, but to yield to

the full extent of the British claim, or to put Maine in possession by force—and that, too, with the opinion and sympathy of the world against us and our cause. In his opinion, we would be bound to attempt it, in justice to Maine, should we refuse to agree to what she has assented. So much for the boundary question, as far as Maine is concerned.

Having now shown (satisfactorily, he hoped) that Maine has acted wisely for herself in assenting to the treaty, it remained to be considered whether we, the representatives of the Union on such questions, would not also do so in ratifying it—so far at least, as the boundary is involved. He would add nothing to what had already been said of the portion in which Maine was immediately interested. His remarks would be confined to the remaining portion of the boundary, extending from the northwestern corner of that State to the Rocky mountains.

Throughout this long extended line, every question has been settled to our satisfaction. Our right has been acknowledged to a territory of about one hundred thousand acres of land, in New Hampshire, which would have been lost by the award of the King of Holland. A long gore of about the same amount, lying in Vermont and New York, and which was lost under the treaty of Ghent, would be regained by this. It includes Rouse's Point. Sugar Island, lying in the water connexion between Lakes Huron and Superior, and heretofore in dispute, is acknowledged to be ours; it is large and valuable for soil and position. So, also, is Isle Royale, near the northern shore of Lake Superior, acknowledged ours—a large island, and valuable for its fisheries. And, also, a large tract of country to the north and west of that lake, between Fond du Lac and the river St. Louis on one side, and Pigeon river on the other—containing four millions of acres. It is said to be sterile; but cannot well be more than that acquired by Great Britain, lying west of the boundary awarded by the King of Holland. In addition, all the islands in the river St. Lawrence and the lakes which were divided in running out the division line under previous treaties, are acquired by us under this; and the channels and passages are opened to the common uses of our citizens and the subjects of Great Britain.

Such are the provisions of the treaty in reference to this long line boundary. Our gain—regarded in the most contracted point of view, as mere equivalents for the sum assumed to be paid by us to Maine and Massachusetts for their assent to the treaty—is vastly greater than what we have contracted to pay. Taking the whole boundary question together, and summing up the loss and gain of the whole, including what affects Maine and Massachusetts; and he could not doubt that, regarded merely as set offs, our gain greatly exceeded our loss—vastly so, compared to what it would have been under the award of the King of Holland, including the equivalent which our Government was willing to allow Maine for her assent. But it would be, indeed, to take a very contracted view to regard it in that light. It would be to overlook the vast importance of permanently establishing, between two such powers a line of boundary of several thousand miles, abounding in disputed points of much difficulty and long standing. The treaty, he trusted would do much to lay the foundation of a solid peace between the countries—a thing so much to be desired.

It is certainly much to be regretted, after settling so large a portion of the boundary, that the part beyond the Rocky mountains should remain undisturbed. Its settlement would have contributed much to strengthen the foundation of a durable peace. But would it be wise to reject the treaty, because all has not been done that could be desired? He placed a high value on our territory on the west of those mountains, and held our title to it to be clear; but he would regard it as an act of consummate folly, to stake our claim on a trial of strength at this time. The territory is now held by joint occupancy, under the treaty of Ghent; which either party may terminate by giving to the other six months' notice. If we were to attempt to assert our exclusive right of occupancy at present, the certain loss of the territory must be the result; for the plain reason, that Great Britain could concentrate there a much larger force, naval and military, in a much shorter time, at far less expense, than we could. That will not be denied; but it will not always be the case. Our population is steadily—he might say rapidly—advancing across the continent, to the borders of the Pacific ocean. Judging from past experience, the tide of population will sweep across the Rocky mountains, with resistless force, at no distant period; when what we claim will quietly fall into our hands, without expense or bloodshed. Time is acting for us. Wait patiently, and all we claim will be ours; but if we attempt to seize it by force, it will be sure to elude our grasp.

Having now stated his reasons for voting to ratify the articles in the treaty relating to the boundary, he would next proceed to assign those that would govern his vote on the two relating to the African slave-trade. And here he would

premise, that there are several circumstances, which caused no small repugnance on his part to any stipulations whatever with Great Britain on the subject of these articles; and he would add, that he would have been gratified if they, and all other stipulations on the subject, could have been entirely omitted; but he must at the same time, say he did not see how it was possible to avoid entering into some arrangement on the subject. To understand the difficulty, it will be necessary to advert to the course heretofore taken by our Government in reference to the subject, and the circumstances under which the negotiation that resulted in this treaty commenced.

Congress at an early day—as soon, in fact, as it could legislate on the subject under the Constitution—passed laws enacting severe penalties against the African slave-trade. That was followed by the treaty of Ghent, which declared it to be irreconcilable with the principles of humanity and justice, and stipulated that both of the parties—the United States and Great Britain—should use their best endeavors to effect its abolition. Shortly after, an act of Congress was passed declaring it to be piracy; and a resolution was adopted by Congress, requesting the President to enter into arrangements with other powers for its suppression. Great Britain, actuated by the same feelings, succeeded in making treaties with the European maritime powers for its suppression; and, not long before the commencement of this negotiation, had entered into joint stipulations with the five great powers to back her on the question of search. She had thus acquired a general supervision of the trade along the African coast; so that vessels carrying the flag of every other country, except ours, were subject on that coast to the inspection of her cruisers, and to be captured, if suspected of being engaged in the slave-trade. In consequence, ours became almost the only flag used by those engaged in the trade, whether our own people or foreigners; although our laws inhibited the traffic under the severest penalties. In this state of things, Great Britain put forward the claim of the right of search as indispensable to suppress a trade prohibited by the laws of the civilized world, and to the execution of the laws and treaties of the nations associated with her by mutual engagements for its suppression.

At this stage, correspondence took place between our late minister at the Court of St. James and Lord Palmerston on the subject, in which the latter openly and boldly claimed the right of search, and which was promptly and decidedly repelled on our side. We had long since taken our stand against it, and had resisted its abuse, as a belligerent right, at the mouth of our cannon. Neither honor nor policy on our part could tolerate its exercise in time of peace, in any form—whether in that of search, as claimed by Lord Palmerston; or the less offensive and unreasonable one of visitation, as proposed by his successor, Lord Aberdeen. And yet we were placed in such circumstances as to require that something should be done. It was in such a state of things that the negotiation commenced—and commenced, in part, in reference to this subject, which was tending rapidly to bring the two countries into collision. On our side, we were deeply committed against the traffic, both by legislation and treaty. The influence and the efforts of the civilized world were directed against it—and that, too, under our lead at the commencement; and with such success as to compel vessels engaged in it to take shelter, almost exclusively, under the fraudulent use of our flag. To permit such a state of things to continue, could not but deeply impeach our honor, and turn the sympathy of the world against us. On the other side, Great Britain had acquired, by treaties, the right of supervision, including that of search and capturing, over the trade on the coast of Africa, with a view to its suppression, from all the maritime powers except ourselves. Thus situated, he must say that he saw no alternative for us but the one adopted—to take the supervision of our own trade on that coast into our own hands, and to prevent, by our own cruisers, the fraudulent use of our flag. The only question, in the actual state of things, as it appeared to him, was, whether it should be done by a formal or informal arrangement? He would have preferred the latter; but the difference between them, in his opinion, such as would justify, on that account, the rejection of the treaty. They would, in substance, be the same, and have differed but little, probably in the expense of execution. Either was better than the other alternatives—to do nothing; to leave things in the dangerous state they stood; or to yield to the right of search or visitation.

It is objected that the arrangement entered into is virtually an acknowledgment of the right of search. He did not so regard it. On the contrary, he considered it, under all the circumstances, as a surrender of that claim on the part of Great Britain; a conclusion, which a review of the whole transaction, in his opinion, would justify. Lord Palmerston, in the first place, claimed the unqualified right of search, in which it was understood he was backed by the five great powers. Lord Aberdeen, with more wisdom and moderation, ex-

plained it to mean the right of visitation simply; and, finally, the negotiation is closed without reference to either, simply with a stipulation between the parties to keep up for five years a squadron of not less than eighty guns on the coast of Africa, to enforce separately and respectively the laws and obligations of each of the countries for the suppression of the slave-trade. It is carefully worded, to make it mutual, but at the same time separate and independent; each looking to the execution of its own laws and obligations, and carefully excluding the supervision of either over the other, and thereby directly rebutting the object of search or visitation.

The other article, in reference to the same subject, stipulates that the parties will unite in all becoming representation and remonstrance, with any powers, within whose dominions markets are permitted for imported African slaves. If he were to permit his feelings to govern him exclusively, he would object to this more strongly than any other provision in the treaty;—not that he was opposed to the object or the policy of closing the market to imported negroes; on the contrary, he thought both right and expedient in every view. Brazil and the Spanish colonies were the only markets, he believed, still remaining open, and to which this provision would apply. They were already abundantly supplied with slaves, and he had no doubt that sound policy on their part required that their markets should be finally and effectually closed. He would go farther, and say, that it was our interest they should be. It would free us from the necessity of keeping cruisers on the African coast, to prevent the illegal and fraudulent use of our flag, or for any other purpose but to protect our commerce in that quarter—a thing of itself much to be desired. We would have a still stronger interest, if we were governed by selfish considerations. We are rivals in the production of several articles, and more especially the greatest of all the agricultural staples—cotton. Next to our own country, Brazil possesses the greatest advantages for its production, and is already a large grower of the article; towards the production of which, the continuance of the market for imported slaves from Africa would contribute much. But he would not permit such considerations to influence him in voting on the treaty. He had no objection to see Brazil develop her resources to the full; but he did believe that higher considerations, connected with her safety, and that of the Spanish colonies, made it their interest that their market should be closed against the traffic.

But he may be asked, why, with these impressions, should he have any objection to this provision of the treaty? It was, because he was averse to interfering with other powers, when it could be avoided. It extends even to cases like the present, where there was a common interest in reference to the subject of advice or remonstrance; but it would be carrying his aversion to fastidiousness, were he to permit it to overrule his vote in the adjustment of questions of such magnitude as are involved on the present occasion.

But the treaty is opposed, not only for what it contains, but also for what it does not; and, among other objections of the kind, because it has no provision in reference to the case of the Creole, and other similar ones. He admitted that it is an objection; and that it was very desirable that the treaty should have guarded, by specific and efficient provisions, against the recurrence of such outrages on the rights of our citizens, and indignity to our honor and independence. If any one has a right to speak warmly on this subject, he was the individual; but he could not forget that the question for us to decide is, Shall we ratify or reject the treaty? It is not whether all has been done which it was desirable should be done, but whether we shall confirm or reject what has actually been done; not whether we have gained all we could desire, but whether we shall retain what we have gained. To decide that as it ought to be, it is our duty to weigh, calmly and fairly, the reasons for and against the ratification, and to decide in favor of the side which preponderates.

It does not follow that nothing has been done in relation to the cases under consideration, because the treaty contains no provisions in reference to them. The fact is otherwise. Much, very much, has been done—in his opinion, little short, in its effect, of positive stipulation by the treaty to guard against the recurrence of such cases hereafter. To understand how much has been done, and what has been gained by us, it is necessary to have a correct conception of the state of the case in reference to them, before the negotiation commenced, and since it terminated.

The first cases are not of recent origin.—The first of the kind was that of brig Comet, which was stranded on the false keys of the Bahamas, as far back as 1830, with slaves on board. She was taken into Nassau, New Providence, by the wreckers, and the slaves liberated by the colonial authorities. The next was the Encomium, which occurred in 1834, and which, in all the material circumstances was every way simi-